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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,233	12/04/2003	Dennis Lawrence Nicholson	21765-2	7486

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EXAMINER

LU, JIPING

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/728,233

Applicant(s)

NICHOLSON, DENNIS
LAWRENCE

Examiner

Jiping Lu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobson (U. S. Pat. 6,499,227) in view of Rudeen et al. (U. S. Pub. No. 2004/0084495 A1) or Antczak et al. (U. S. pat. 5,934,530).

Jacobson shows a golf cart comprising at least one external surface 20 and an apparatus 10 with a body 35 having an inner surface and an opposite outer surface, a fastening mechanism (see Figs. 3A-3E) for securing the body inner surface against the at least one external surface and fastener 50 for coupling a glove to said at least one external surface which are arranged same as claimed. Rudeen et al. teach a golf accessory carrier comprising a sheet material body 200 with an inner surface and an outer surface 210 having Velcro material for removably coupling a glove to the body same as claimed. Antczak et al. teach a golf accessory organizer comprising a sheet material body 1 with an inner surface and an outer surface 19, 21 having Velcro material for removably coupling a glove 53 to the body same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the golf accessory carrier/organizer of Rudeen et al. or Antczak et al. for the glove coupling apparatus 35 of Jacobson in order to facilitate coupling and removing glove to the golf cart.

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Regarding the claimed body conforms to a shape of the external surface, this is deemed to be inherently because the body 200 of Rudeen et al and the body 1 of Antczak et al will be in tight contact, e.g. conforming to the surface or shape of with the external surface of the golf cart. Moreover, it would have been an obvious matter of design choice to change the size of the sheet material body of Rudeen et al. or Antczak et al. to conform to a shape of the at least one external surface of the golf cart, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

3. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellenburg (U. S. Pat. 5,983,518) in view of Rudeen et al. (U. S. Pub. No. 2004/0084495 A1) or Antczak et al. (U. S. pat. 5,934,530)

Ellenburg shows a golf cart 34 comprising at least one external surface 32 and an apparatus 10 with a body 24. The body also has an inner surface and opposite outer surface. The inner surface is in substantial contact against and conforms to the shape of at least one external surface 32 of the golf cart during operation of the golf cart. The body's outer surface (at 24) has a fastening mechanism 12, 14, 19, 26, 28, 30, 36, 38 for removably coupling a glove 36 to said body 19, 24 such that the glove 36 remains coupled to said apparatus during operation of the golf cart 34. Ruddeen et al. teach a golf accessory carrier comprising a sheet material body 200 with an inner surface and an outer surface 210 having Velcro material for removably coupling a glove to the body same as claimed. Antczak et al. teach a golf accessory organizer comprising a sheet material body 1 with an inner surface and an outer surface 19, 21 having Velcro material for removably coupling a glove 53 to the body same as claimed. Therefore, it would have been

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obvious to one having ordinary skill in the art at the time the invention was made to substitute the golf accessory carrier/organizer of Rudeen et al. or Antczak et al. for the glove coupling apparatus 10 of Ellenburg in order to facilitate coupling and removing glove to the golf cart.

Regarding the claimed body conforms to a shape of the external surface, this is deemed to be inherently because the body 200 of Rudeen et al and the body 1 of Antczak et al will be in tight contact, e.g. conforming to the surface or shape of with the external surface of the golf cart.

Moreover, it would have been an obvious matter of design choice to change the size of the sheet material body of Rudeen et al. or Antczak et al. to conform to a shape of the at least one external surface of the golf cart, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

4. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Passafiume (U. S. Pat. 2002/0138953 A1) in view of Rudeen et al. (U. S. Pub. No. 2004/0084495 A1) or Antczak et al. (U. S. pat. 5,934,530)

Passafiume shows a golf cart 14 comprising at least one external surface 12 and an apparatus 10 with a body 52. The body also has an inner surface and opposite outer surface. The inner surface is in substantial contact against and conforms to the shape of at least one external surface 12 of the golf cart during operation of the golf cart. The body's outer surface has a fastening mechanism 69, 43 for removably coupling a glove 20 to said body such that the glove 20 remains coupled to said apparatus during operation of the golf cart 14. Ruddeen et al. teach a golf accessory carrier comprising a sheet material body 200 with an inner surface and an outer surface 210 having Velcro material for removably coupling a glove to the body same as claimed.

Antczak et al. teach a golf accessory organizer comprising a sheet material body 1 with an inner surface and an outer surface 19, 21 having Velcro material for removably coupling a glove 53 to the body same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the golf accessory carrier/organizer of Rudeen et al. or Antczak et al. for the glove coupling apparatus 10 of Passafiume in order to facilitate coupling and removing glove to the golf cart. Regarding the claimed body conforms to a shape of the external surface, this is deemed to be inherently because the body 200 of Rudeen et al and the body 1 of Antczak et al will be in tight contact, e.g. conforming to the surface or shape of with the external surface of the golf cart. Moreover, it would have been an obvious matter of design choice to change the size of the sheet material body of Rudeen et al. or Antczak et al. to conform to a shape of the at least one external surface of the golf cart, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Response to Arguments

5. Applicant's arguments filed 8/15/2005 have been fully considered but they are not persuasive to overcome the rejection. First the broad claims presented failed to structurally define over the prior art references. Each and every claimed element is clearly shown and taught by the references. Please point from the claims if there is any claim element is not shown or taught by the references. Second, in pages 6-25 of the Remarks, the applicant argues that there is no teaching from the patents to Jacobson or Ellenburg or Passafiume and Rudeen or Antczak to

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suggest the claimed glove holder attached to a vertical frame 41 of the golf cart 12. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the patent to Jacobson shows a golf cart 15 with a passenger compartment (left side of the golf cart) with at least one external surface 20, an apparatus 10 with a body 35, a fastening mechanism (see Figs. 3A-3E) for securing the body inner surface against the at least one external surface, fastener 50 for coupling a glove to said at least one external surface which are arranged same as claimed. Rudeen and Antczak to suggest the claimed glove holder attached to a vertical frame 41 of the golf cart 12. The patent to Ellenburg clearly shows a golf cart 34 with at least one external surface 32 and an apparatus 10 with a body 24. The body also has an inner surface and opposite outer surface. The inner surface is in substantial contact against said at least one external surface 32 of the golf cart during operation of the golf cart. The body's outer surface (at 24) has a fastening mechanism 12, 14, 19, 26, 28, 30, 36, 38 for removably coupling a glove 36 to said body 19, 24 such that the glove 36 remains coupled to said apparatus during operation of the golf cart 34. Passafiume shows a golf cart 14 with at least one external surface 12 and an apparatus 10 with a body 52. The body also has an inner surface and opposite outer surface. The inner surface is in substantial contact against said at least one external surface 12 of the golf cart during operation of the golf cart. The body's outer surface has a fastening mechanism 69, 43 for

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removably coupling a glove 20 to said body such that the glove 20 remains coupled to said apparatus during operation of the golf cart 14. The patent to Rudeen et al. teach a golf accessory carrier with a sheet material body 200 with an inner surface and an outer surface 210 having Velcro material for removably coupling a glove to the body same as claimed. The patent to Antczak et al. teaches a golf accessory organizer with a sheet material body 1 with an inner surface and an outer surface 19, 21 having Velcro material for removably coupling a glove 53 to the body same as claimed. Therefore, it is the examiner's position that one skilled in the art in view of the combined teachings of the references would be able to derive the broadly claimed invention by substituting the golf accessory carrier/organizer of Rudeen et al. or Antczak et al. for the glove coupling apparatus 35 of Jacobson or the glove coupling apparatus 10 of Ellenburg or the glove coupling apparatus 10 of Passafiume in order to facilitate coupling and removing glove to the golf cart. Finally, it must be pointed out that the applicant has argued the deficiency of each and every individual reference but failed to recognize the combined teachings of the references which rendered the claims unpatentable.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EHUD GARTENBERG can be reached on 571 272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jiping Lu
Primary Examiner
Art Unit 3749

J. L.